

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on page 17.

Claims 1, 3-7, 10-11, 13-19, 22-23, and 25-28 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-28 are now pending in this application.

Abstract

The abstract was objected to for being more than 150 words. The abstract has been amended to be less than 150 words, thus overcoming the objection thereto.

Specification

The specification was objected to as failing to provide antecedent basis for the claimed subject matter, namely for the term “conversion pitch”, which is in certain claims. The specification has been amended on page 17 to provide express basis for the term “conversion pitch”, thus overcoming the objection thereto.

Allowable subject matter

Applicants appreciate the indication that claims 1-28 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph. As discussed further below, claims 1-28 have been amended to overcome the rejections under 35 U.S.C. 112, second paragraph, and are thus in condition for allowance.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-28 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The claims have been amended to address the issues raised in the Office Action. For example, the claims have been amended to clarify that the “first light receiving part”, “second light receiving part”, “measurement condition setting part”, and “arithmetic part” are “configured to” perform certain function as per U.S. patent practice, and are not merely “for” performing certain functions. Further the terms “high sensitivity” and “low sensitivity” have been replaced with “first sensitivity” and “second sensitivity”, respectively. Accordingly, applicants believe that the claims as amended are definite under 35 U.S.C. § 112, second paragraph.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to

charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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